

Naples City Council

June 13, 2013

Minutes

The regularly scheduled meeting of the Naples City Council was held June 13, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Dennis Judd, Jim Harper, Szeth Simmons, Mark Watkins, Chris Hoem, Connie Patton, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Mayor Baker added a six-month employee evaluation for Garrett Whatcott to the agenda after item seven. Craig Blunt said they could remove the closed session as he did not have the information needed for it. Dennis Long **moved** to approve the agenda as amended. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of May 23, 2013 regular City Council meeting. Two typographical errors were recommended for correction. Dan Olsen **moved** to approve the minutes as corrected. Dennis Long **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked for approval of the minutes of May 23, 2013 special City Council meeting. Dennis Long **moved** to accept the minutes of the special meeting. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker asked if there was anything to discuss or follow up on from the meeting of May 23, 2013. Nothing was brought forward for discussion.

FOLLOWUP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$39,947.22 and asked for approval to pay them. Dennis Long **moved** to accept the amount of \$39,947.22. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Councilman Kitchen wondered if it was time to start getting bids for the flowers that are placed along Hwy 40. He recommended that Jim check with a couple of other places next year based on the cost of the flowers. Jim said he would do that.

Robert Hall **moved** to table item six until Jim Richards arrives. Gordon Kitchen **seconded** the motion. The motion passed with all voting in the affirmative.

A business license from **4 Brothers** was received by the Council for their approval. The business will be located at 1404 Hwy 40 in the small food shack located on the Superior Lube property. Craig said they are waiting on the health inspector for final approval and once that is received he doesn't have any problem with it. Kenneth Reynolds **moved** to approve the business license contingent upon inspection by the Health Department. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Chief Watkins presented the six-month employee evaluation for Garrett Whatcott. Chief Watkins said Garrett has done an excellent job for the department and he would recommend the pay increase that comes with a satisfactory evaluation. Dennis Long **moved** to accept the evaluation of Garrett Whatcott. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

Craig Blunt proposed a change to the current personnel policy regarding military leave. Craig said the change came at the request of Chief Watkins and Officer Whatcott. Craig told the Council that portions of military leave are mandated by State regulations and he also looked at the policy of Vernal City. Council members discussed fifteen days of leave

APPROVAL OF THE BILLS

RECOGNITION AWARD FOR JIM RICHARDS TABLED

BUSINESS LICENSE APPROVAL

SIX MONTH EMPLOYEE EVALUATION FOR GARRETT WHATCOTT

CHANGE TO PERSONNEL POLICY REGARDING MILITARY LEAVE

as opposed to the ten presented. They also discussed if the employee would need to pay to the City any compensation received for the military training. Chief Watkins wondered if the policy could state additional hours of leave rather than days because the police department works ten to twelve hour shifts. Councilman Kitchen said this would be a City policy and might include employees that aren't police officers so they might need to keep it more general. After some discussion, Gordon Kitchen **moved** to accept the policy as presented by Craig which would include the remittance back to Naples City for pay received. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Chief Watkins submitted a request to purchase new tires for one of the Durangos. The request was for \$895.80. Gordon Kitchen **moved** to approve the purchase. Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***REQUEST TO PURCHASE
NEW TIRES***

Chief Watkins asked for Council approval to purchase a new laptop computer. He stated this would be a computer for one of the patrol officers. The purchase price was \$2,261.13. Dan Olsen **moved** to approve the purchase. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***REQUEST TO PURCHASE
LAPTOP COMPUTER***

Jim Harper presented the Council with a bid from Wheeler Machinery to repair the air conditioner on the sweeper. The bid was for \$1,802.99. Dan Olsen **moved** to approve the expenditure. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye

***APPROVE EXPENDITURE
FOR SWEEPER REPAIR***

Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim stated this expenditure would need to come out of the equipment repair budget because there were not enough funds left in the sweeper budget.

Craig Blunt explained to the Council that as the generator was being installed he learned they could not attach the generator to the gas line currently feeding the building. Craig said Questar Gas did not want to add any more BTU's to the meter. Craig reported the cost to run a separate line to the building with a meter for the generator would be \$2,151.25. Robert Hall **moved** to approve the expenditure. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Richards arrived at this time, Robert Hall **moved** to return to item six on the agenda. Dennis Long **seconded** the motion. Mayor Baker told Mr. Richards the Council wanted to recognize him for his fifteen years of service to the City as he served on the Planning Commission Board. Mayor Baker presented Mr. Richards with a plaque stating the City's appreciation for that service. Mr. Richards told Mayor Baker when he first started to serve on the Planning Commission, he served with Mayor Baker's father. Mr. Richards wanted the Council to know it was a privilege to serve and he was willing to work with the City if they had any projects they needed help with. Mr. Richards said it was important to protect the rights of the citizen's as a whole and that was always a challenge. The Council again thanked Mr. Richards for coming and for his service to the community.

Dennis Long **moved** to go into a public hearing to discuss segmentation of the Dinosaur Diamond Scenic byway. Dan Olsen **seconded** the motion. The motion passed with all voting aye. Chris Hoem gave Council members a staff report listing the reasons the City was considering segmentation of the Byway. Chris said Naples City was first included in the scenic byway for continuity of travel and it does not in an of itself contain the intrinsic values for which the corridor was

***APPROVE EXPENDITURE
FOR GAS LINE
EXTENSION FOR THE
GENERATOR***

***RECOGNITION OF JIM
RICHARDS FOR SERVICE
TO THE PLANNING
COMMISSION BOARD***

***PUBLIC HEARING FOR
SEGMENTATION OF THE
DINOSAUR DIAMOND
SCENIC BYWAY***

designated. The following are items listed on the staff report and discussed by the City Council:

Impact on Outdoor Advertising: Per 02-16 Sign Regulations of the Naples Land Use Ordinance, no new billboards are allowed within Naples City regardless of scenic byway segmentation.

Potential Impact of Traffic Volumes: The everyday traffic in Naples is comprised of local residents, industry workers, and tourists. New signs advertising a few local businesses may possibly direct a small amount of traffic toward businesses off the Highway. Many locals don't even realize that a scenic byway goes through Naples City. Most of the traffic is local, and therefore segmentation would have little to no impact on traffic volumes.

Potential Impact of Land Use along the byway: Currently, there are no regulations in the byway corridor management plan that impact Naples City.

Potential Impact of Grant Eligibility: Naples City staff has been told by various individuals involved in managing scenic byways that de-designation of some segments of the byway will not affect grant eligibility for neighboring designated segments.

Potential Impact on the local tourist industry: The perception of the stretch of Highway through Naples is generally considered as industrial and commercial in nature and has little to no recreation or tourism qualities. As stated above, many locals do not even know that the byway exists. Naples is not regarded as a tourism hot-spot and therefore it is believed that the local tourist industry would not be affected by segmentation of the byway.

Mark Watkins wanted to know the reason for the de-designation. Chris stated it was because the portion of the byway located in the City doesn't contain any of the intrinsic value like the archeological or cultural draws. Councilman Long wanted to know if there was any loss or gain to the City by doing this. Chris said the City was never told when the byway was designated and we were only included because the City lies along Hwy 40.

With no other comments from the public, Dan Olsen **moved** to close the public hearing. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

No action was taken on the segmentation of the scenic byway at this time, Chris said he would prepare an Ordinance and bring it back to the Council

Council members received copies of the Uintah Basin Pre-Disaster Mitigation Plan for their review. Craig told Council the Plan was prepared by UBAG and was first presented and approved by the Council in March. Craig said the Plan was updated a bit and corrected and is being brought back to the Council for final approval. Craig said as part of the approval process the City needs to send a letter to the Federal Government stating the Plan has been approved. Craig said this plan opens doors with the State and Federal Government in case of a local disaster. Dan Olsen **moved** to accept the Uintah Basin Pre-Disaster Mitigation Plan and authorize the Mayor to execute the letter in behalf of the City. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***UINTAH BASIN PRE-
DISASTER MITIGATION
PLAN***

Council members received a request from City Attorney Dennis Judd asking them to consider increasing the budget for the City Attorney to cover the cost of increased services provided to the City. Councilman Long thought the increase was not unreasonable. Councilman Reynolds wanted to know what would happen if a situation arose between Naples City and Vernal City because Mr. Judd represents both cities. Mayor Baker thought he would have to excuse himself and the City would have to contract with someone else. Mayor Baker said he worries about Mr. Judd being the attorney for both cities but he also sees the benefit to the City because, in some cases, there may be something Mr. Judd has already worked on for Vernal City that can be used by Naples City. Craig said it would be hard to find someone else that is as well versed in land use issues as Mr. Judd. Mr. Judd arrived at this time to answer any questions from the Council. Councilman Reynolds asked Mr. Judd how the break down worked on the informational sheet he provided listing the charge for services and if it included his insurance. Dennis said the City was not providing the insurance any more.

***DISCUSSION TO APPROVE
PROPOSED INCREASE
SERVICE FEES WITH
CITY ATTORNEY***

Councilman Reynolds wanted to know if the amount listed would be what the City would owe if billed normally. Mr. Judd said that is correct. Nikki Kay said the City is still paying for dental insurance and that cost is listed in the budget. Dan Olsen **moved** to increase the amount paid to Mr. Judd by \$12,000 per year as requested. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Councilman Kitchen asked Mr. Judd what would happen if a conflict of interest ever arose between Vernal City and Naples City. Mr. Judd said there is a provision in his contract with Vernal City that states he would have to withdraw if anything ever came up. Mr. Judd said he would not be able to represent either entity and the City would have to hire someone else for that issue.

Council members received information on the Utah State Retirement rates for the new fiscal year. Dan Olsen **moved** to approve the rates. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***APPROVE UTAH STATE
RETIREMENT RATES***

Resolution 13-256 was given to the Council setting the certified tax rate at .000341. Robert Hall **moved** to adopt Resolution 13-256. Gordon Kitchen **seconded** the motion. The motion passed as follows:

***RESOLUTION 13-256
SETTING CERTIFIED TAX
RATE***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Ordinance 13-156, setting the salaries for elected and statutory officials, was given to Council for their approval. Dan Olsen **moved** to adopt Ordinance 13-156. Dennis Long **seconded** the motion. The motion passed with a roll call vote:

***ORDINANCE 13-156
ESTABLISHING THE
SALARIES FOR ELECTED
AND STATUTORY
OFFICIALS***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Resolution 13-257 adopting the FY 2013/2014 was given to Council for their approval. Nikki Kay stated the amount listed for the general fund budget does reflect the increase proposed by Dennis Judd. It was **moved** by Gordon Kitchen to accept Resolution 13-257 setting the budget with the following amounts: General Fund \$3,966,355; Debt Service Fund for \$189,770; Capital Project Road Fund in the amount of \$1,853,129; Capital Project Park Fund in the amount of \$40,000; and the Capital Project for Asset Acquisition in the amount of \$16,700. The **second** was by Kenneth Reynolds. The motion passed with the following vote:

***RESOLUTION 13-257
ADOPTING BUDGET FOR
FY 2013/2014***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker said Nikki Kay looked into the prices of the musical instruments that can be installed at the park after seeing the informational brochure that Ryan Cook brought to the Council. Mayor Baker thought it was a good idea and agreed to place it before the Council. Dan Olsen **moved** to approve the purchase of the two instruments for the park. Dennis Long **seconded** the motion. Craig Blunt said the only thing he was looking into was the warranty on the items. He said sometimes the installation requires a contractor in order to make sure the warranty is not void. Craig said there may be an additional cost for that. Councilman Kitchen wanted to make sure the Recreation District was aware of the installation in case they needed to become involved with it. Craig said he would get with Neil Cathey. Mayor Baker felt the Recreation Department or the Road Department could handle the installation. Craig said he would like to see the City expand and purchase a couple of more pieces in the

***PURCHASE OF MUSICAL
INSTRUMENTS FOR THE
PARK***

future. With no other discussion, the motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members were presented with information on new copy machines for the office. The City wanted to purchase two machines, one for the police department and a larger one for the overall use of the City. The cost of the smaller machine was \$1,246 and the larger machine was \$12,714. Gordon Kitchen **moved** to approve the purchase. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

PURCHASE OF NEW COPY MACHINES

Jim Harper came back to the Council with the bids he received for new and used tractors. Jim said the prices for the used tractors was more than he expected. Council members reviewed the bids and asked Jim for his recommendation. Jim said he would like the new 90 hp John Deere tractor from Big B Equipment. The bid for the tractors was \$60,500. Dan Olsen **moved** to approve the purchase of the tractor. Robert Hall **seconded** the motion. Nikki Kay asked if the company could invoice them after the first of July because this purchase would need to be for the new fiscal year. Jim said he would work with them on it. Craig asked if Jim asked for a trade in value on the old one. Jim said he didn't but he thought it would be very low. Council member thought they could take it to auction to dispose of. With no other discussion, the motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye

TRACTOR BIDS

Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Councilman Hall brought back information from the last Airport Board meeting. He said the land owner offer packets have been sent out and negotiations should start soon. Councilman Kitchen stated they are going to be drilling some test holes at Richens' and Bowdens' to see how deep the bedrock is. Councilman Hall said they reassured him that irrigation pipes would be rerouted and restored. Councilman Kitchen said he was not happy that there is no longer an overlay zone because it leaves him unprotected. Chris Hoem wanted to know what it left unprotected. Councilman Kitchen said there was nothing in place to require sound fencing and those item that would protect the residents. Mayor Baker wanted to know if those things couldn't be required as part of the construction approval process. Craig Blunt said, even before Construction begins, the developers should be going to the Planning Commission and offering a time and place for nearby residents to be heard. Mayor Baker wanted to know if Chris should contact Uintah County Planning and ask where they are in the process and see how they are planning to progress. Chris said as it stands now, under the current zoning, they would not be allowed to extend and if they wanted to they would have to work with the City and at that time the City could negotiate the fences and things like that. Mayor Baker wanted Chris to get with Uintah County and have them meet with the Council to explain where they are in the process. Councilman Hall said he is afraid the City is going to be an after thought in the process.

Councilman Reynolds asked Jim to check on one of the lights at the park. He said it is located near the fire station and the trees have grown up around it almost obscuring it. He wondered if it could be moved. Councilman Kitchen also made note of the concern.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 9:00 p.m. Dan Olsen **seconded** the motion. The meeting was adjourned.

***O T H E R
M A T T E R S / F U T U R E
C O U N C I L M A T T E R S***

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 27th DAY OF JUNE 2013

BY: _____

ATTEST: _____